

HOUSE BILL NO. 449

INTRODUCED BY T. FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SCHOOL DISTRICT TO ADOPT A POLICY PROHIBITING HARASSMENT, INTIMIDATION, OR BULLYING ON SCHOOL PROPERTY, AT A SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative findings and declarations. (1) The legislature finds that:

(a) a safe and civil environment in school is necessary for students to learn and achieve high academic standards;

(b) harassment, intimidation, or bullying, like other disruptive or violent behaviors, disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and

(c) school personnel should demonstrate appropriate behavior by refusing to tolerate harassment, intimidation, or bullying.

(2) The legislature declares that there is a compelling public need for school districts to adopt policies that prohibit harassment, intimidation, or bullying of students.

NEW SECTION. Section 2. Definition. (1) As used in [section 1 through 5], "harassment, intimidation, or bullying" means any gesture or written, verbal, or physical act that:

(a) a reasonable person should know will have the effect of harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or damage to the student's property; or

(b) has the effect of insulting or demeaning a student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of a student.

(2) The term includes but is not limited to any gesture or written, verbal, or physical act that is reasonably perceived as being motivated by:

(a) an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, or sexual orientation;

1 (b) a mental, physical, or sensory handicap; or

2 (c) any other distinguishing characteristic.

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4 **NEW SECTION. Section 3. Harassment policy -- contents.** (1) The trustees shall adopt a policy that
5 prohibits harassment, intimidation, or bullying on school property, at a school-sponsored function, or on a school
6 bus. The trustees shall consult parents, school personnel, students, and members of the community in
7 developing the policy.

8 (2) At a minimum, the policy must include:

9 (a) a statement prohibiting harassment, intimidation, or bullying of a student;

10 (b) a definition of harassment, intimidation, or bullying that may not be less inclusive than the definition
11 provided for in [section 2];

12 (c) a description of the type of behavior expected from each student;

13 (d) a procedure for reporting an act of harassment, intimidation, or bullying, including a provision that
14 permits a person to report the act anonymously. Formal disciplinary action may not be initiated solely on the
15 basis of an anonymous report.

16 (e) a procedure for the prompt investigation of a report of a violation or complaint. The principal of the
17 school or the principal's designee shall conduct the investigation.

18 (f) a statement that prohibits reprisal or retaliation against a person who reports an act of harassment,
19 intimidation, or bullying; and

20 (g) the consequences and appropriate remedial action for a person who:

21 (i) commits an act of harassment, intimidation, or bullying; or

22 (ii) retaliates against a person who reports an act of harassment, intimidation, or bullying.

23 (3) The policy must be included in any school district publication that sets forth policies and procedures
24 or standards of conduct for employees or students.

25 (4) A copy of the policy must be sent to the county superintendent.

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27 **NEW SECTION. Section 4. School district responsibilities.** (1) The trustees shall ensure that every
28 school district employee, school volunteer, and student is made aware of the district's policy on harassment,
29 intimidation, or bullying.

30 (2) (a) If a school district has a training or orientation program for school district employees or school

1 volunteers, the provisions of the district's policy must be incorporated into the program.

2 (b) To the extent funds are available, a school district shall provide training on the district's policy to
3 school district employees and school volunteers who have significant contact with students.

4 (3) A school district or a school is encouraged to establish a program for the prevention of harassment,
5 intimidation, or bullying.

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7 **NEW SECTION. Section 5. School personnel responsibilities.** (1) A school district employee or a
8 school volunteer who has witnessed or has reliable information that a student has been subjected to
9 harassment, intimidation, or bullying shall promptly report the incident to the appropriate school official
10 designated in the district's policy.

11 (2) A school district employee or a school volunteer may not engage in reprisal or retaliation against
12 a victim, a witness, or a person with reliable information about an act of harassment, intimidation, or bullying.

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14 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be
15 codified as an integral part of Title 20, chapter 3, part 3, and the provisions of Title 20, chapter 3, part 3, apply
16 to [sections 1 through 5].

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